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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 SECURITIES AND EXCHANGE
COMMISSION,

12 Plaintiff,

13 vs.

14 MAM WEALTH MANAGEMENT, LLC;
15 MAMW REAL ESTATE FUND
GENERAL PARTNER, LLC; ALEX
16 MARTINEZ; and RAPHAEL SANCHEZ,

17 Defendants.

Case No. CV 11-2934 SJO (JCx)

**JUDGMENT OF PERMANENT
INJUNCTION AND OTHER
RELIEF AS TO DEFENDANT
ALEX MARTINEZ**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Alex Martinez (“Defendant”) having entered a general appearance;
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
4 action; consented to entry of this Judgment of Permanent Injunction and Other
5 Relief (“Judgment”) without admitting or denying the allegations of the Complaint
6 (except as to jurisdiction); waived findings of fact and conclusions of law; and
7 waived any right to appeal from this Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
10 and Defendant’s agents, servants, employees, attorneys, and all persons in active
11 concert or participation with them who receive actual notice of this Judgment by
12 personal service or otherwise are permanently restrained and enjoined from
13 violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”), 15
14 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or
15 instruments of transportation or communication in interstate commerce or by use
16 of the mails, directly or indirectly:

- 17 (a) to employ any device, scheme, or artifice to defraud;
18 (b) to obtain money or property by means of any untrue statement of a
19 material fact or any omission of a material fact necessary in order to
20 make the statements made, in light of the circumstances under which
21 they were made, not misleading; or
22 (c) to engage in any transaction, practice, or course of business which
23 operates or would operate as a fraud or deceit upon the purchaser.

24 **II.**

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
26 Defendant and Defendant’s agents, servants, employees, attorneys, and all persons
27 in active concert or participation with them who receive actual notice of this
28 Judgment by personal service or otherwise are permanently restrained and enjoined

1 from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act
2 of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
3 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
4 interstate commerce, or of the mails, or of any facility of any national securities
5 exchange, in connection with the purchase or sale of any security:

- 6 (a) to employ any device, scheme, or artifice to defraud;
- 7 (b) to make any untrue statement of a material fact or to omit to state a
8 material fact necessary in order to make the statements made, in the
9 light of the circumstances under which they were made, not
10 misleading; or
- 11 (c) to engage in any act, practice, or course of business which operates or
12 would operate as a fraud or deceit upon any person.

13 **III.**

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
15 Defendant and Defendant’s agents, servants, employees, attorneys, and all persons
16 in active concert or participation with them who receive actual notice of this
17 Judgment by personal service or otherwise are permanently restrained and enjoined
18 from violating, directly or indirectly, while acting as an investment adviser,
19 Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (the “Advisers
20 Act”), 15 U.S.C. §§ 80b-6(1) & 80b-6(2), by using the mails or any means or
21 instrumentality of interstate commerce:

- 22 (a) to employ any device, scheme, or artifice to defraud any client or
23 prospective client;
- 24 (b) to engage in any transaction, practice, or course of business which
25 operates as a fraud or deceit upon any client or prospective client.

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1 **IV.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
3 Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
4 and a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C. §
5 77t(d), Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3), and Section
6 209(e)(1) of the Advisers Act, 15 U.S.C. § 80b-9(e)(1) The Court shall determine
7 the amounts of the disgorgement and civil penalty upon motion of the
8 Commission. Prejudgment interest shall be calculated from April 1, 2009, based
9 on the rate of interest used by the Internal Revenue Service for the underpayment
10 of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the
11 Commission's motion for disgorgement and/or civil penalties, and at any hearing
12 held on such a motion: (a) Defendant will be precluded from arguing that he did
13 not violate the federal securities laws as alleged in the Complaint; (b) Defendant
14 may not challenge the validity of the Consent or this Judgment; (c) solely for the
15 purposes of such motion, the allegations of the Complaint shall be accepted as and
16 deemed true by the Court; and (d) the Court may determine the issues raised in the
17 motion on the basis of affidavits, declarations, excerpts of sworn deposition or
18 investigative testimony, and documentary evidence, without regard to the standards
19 for summary judgment contained in Rule 56(c) of the Federal Rules of Civil
20 Procedure. In connection with the Commission's motion for disgorgement and/or
21 civil penalties, the parties may take discovery, including discovery from
22 appropriate non-parties.

23 **V.**

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
25 Consent is incorporated herein with the same force and effect as if fully set forth
26 herein, and that Defendant shall comply with all of the undertakings and
27 agreements set forth therein.

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VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

1/30/12

Dated: _____



HON. S. JAMES OTERO
UNITED STATES DISTRICT JUDGE